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Attorneys for Plaintiff  
United States of America

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
Plaintiff,  
v.  
ONE 2004 NISSAN ALTIMA SEDAN,  
CALIFORNIA LICENSE  
NO. 6CQS554,  
VIN 1N4AL11D54C135990,  
ITS TOOLS AND APPURTENANCES,  
ONE 1998 CHRYSLER SEBRING  
COUPE, CALIFORNIA LICENSE  
NO. 5DDK880,  
VIN 3C3EL45H1WT316087,  
ITS TOOLS AND APPURTENANCES,  
Defendants.

Civil No.  
COMPLAINT FOR  
FORFEITURE

08 CV 0982 JAH LSP

By way of complaint against the defendants,

ONE 2004 NISSAN ALTIMA SEDAN, CALIFORNIA LICENSE NO.  
6CQS554, VIN 1N4AL11D54C135990, ITS TOOLS AND  
APPURTENANCES, and

ONE 1998 CHRYSLER SEBRING COUPE, CALIFORNIA LICENSE NO.  
5DDK880, VIN 3C3EL45H1WT316087, ITS TOOLS AND  
APPURTENANCES,

the United States of America alleges:

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FILED

08 JUN -3 AM 11:04

CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

BY: CR DEPUTY

1           1.       This Court has jurisdiction over this action by virtue  
2 of the provisions of Title 28, United States Code, Section 1355,  
3 because the acts and omissions giving rise to the instant  
4 forfeiture occurred in this district.

5           2.       Venue is proper in this district pursuant to Title 28,  
6 United States code, Section 1395 because the defendants were found  
7 in this district.

8           3.       On February 18, 2008, Rocio Selene Rosales (hereinafter  
9 referred to as "Rosales") entered the United States from Mexico at  
10 the Port of Entry, San Ysidro, California, as the driver of the  
11 defendant 2004 Nissan Altima sedan, VIN 1N4AL11D54C135990, bearing  
12 California license plate number 6CQS554 (hereinafter referred to  
13 as "2004 Nissan Altima sedan" or "defendant Nissan sedan").  
14 According to the official records of the California Department of  
15 Motor Vehicles (hereinafter referred to as "DMV"), Marcial  
16 Reymundo Madrigal of Swan Street, San Diego, California, was the  
17 registered owner of the defendant Nissan sedan. Rosales was  
18 accompanied by a sole visible passenger, Daisy Veronica Fierros-  
19 Gonzalez (hereinafter referred to as "Fierros-Gonzalez").

20           a.       Rosales and Fierros-Gonzalez were greeted by  
21 United States Customs and Border Protection (hereinafter referred  
22 to as "CBP") Officer Munoz at the vehicle primary inspection  
23 station. Both occupants presented identification documents and  
24 declared themselves to be United States citizens. Both insisted  
25 they were bringing nothing from Mexico into the United States.

26           b.       Officer Munoz referred the defendant Nissan vehicle  
27 and its two visible occupants into the vehicle secondary lot for  
28 a more thorough inspection.

1           c. In the secondary lot, CBP Officer Hilton observed  
2 what he suspected to be an individual sitting on the floor just  
3 forward of the front passenger seat. The head and upper torso of  
4 the concealed passenger were hidden under the dashboard. The  
5 lower torso and legs of the rider were covered by a piece of black  
6 cloth. CBP Enforcement Officer Velazquez removed the black  
7 fabric, revealing an Hispanic adult female. The concealed  
8 traveler was removed from the defendant vehicle and escorted to  
9 the security office. The hidden passenger was later identified as  
10 a citizen of Mexico with no immigration documents or legal  
11 authority permitting her to enter or remain in the United States.

12           d. CBP enforcement officers examined the defendant  
13 Nissan sedan. The area underneath and behind the dashboard on the  
14 passenger side had been altered. A host of manufacturer-installed  
15 components behind the dashboard had been removed or re-routed to  
16 create a cavity to accommodate the head and upper torso of a  
17 concealed rider.

18           e. The concealed Hispanic female passenger was  
19 interviewed and was identified as Maria Ramirez-Chavez  
20 (hereinafter referred to as "Ramirez-Chavez"). She declared she  
21 was a citizen of Mexico, without documentation or legal  
22 authorization to enter or remain in the United States.

23           f. CBP Enforcement officers interviewed Rosales and  
24 Fierros-Gonzalez. Both admitted they acted in concert for the  
25 purpose of illegally smuggling the hidden female passenger into  
26 the United States from Mexico.

27           4. On April 10, 2008, Marcial Reymundo Madrigal  
28 (hereinafter referred to as "Madrigal") entered the United States

1 from Mexico at the Port of Entry, San Ysidro, California as the  
2 driver of the defendant 1998 Chrysler Sebring coupe, VIN  
3 3C3EL45H1WT316087, bearing California license plate number 5DDK880  
4 (hereinafter referred to as "1998 Chrysler Sebring coupe" or  
5 "defendant Chrysler coupe"). According to the official records of  
6 the DMV, Madrigal was the registered owner of the defendant  
7 Chrysler coupe. Madrigal was accompanied by a sole visible  
8 passenger, Xavier Loren Rios (hereinafter referred to as "Rios").

9 a. Madrigal and Rios were greeted by CBP Officer Brown  
10 as they waited in line just south of the vehicle primary  
11 inspection station. Both occupants presented identification  
12 documents and declared themselves to be United States citizens.  
13 Both insisted they were bringing nothing from Mexico into the  
14 United States.

15 b. Officer Brown observed what he suspected to be an  
16 individual sitting on the floor just forward of the front  
17 passenger seat. The head and upper torso of the concealed  
18 passenger were hidden under the dashboard. The lower torso of the  
19 rider was covered by a piece of black cloth. His legs were  
20 extended underneath the front passenger seat.

21 c. Madrigal and Rios were removed from the defendant  
22 Chrysler coupe and escorted to the security office. CBP Officer  
23 Carraway drove the defendant Chrysler coupe and the concealed  
24 passenger to the nearby vehicle secondary lot for a more thorough  
25 inspection. There, the hidden rider, a Hispanic adult male, was  
26 removed from the defendant vehicle and escorted to the security  
27 office. The concealed passenger was later identified as a citizen

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1 of Mexico with no immigration documents or legal authority  
2 permitting him to enter or remain in the United States.

3 d. CBP enforcement officers examined the defendant  
4 Chrysler coupe. The area underneath and behind the dashboard on  
5 the passenger side had been altered. A host of manufacturer-  
6 installed components behind the dashboard had been removed or re-  
7 routed to create a cavity to accommodate the head and upper torso  
8 of a concealed rider. The front passenger seat was also modified.  
9 Wooden blocks were installed underneath the front of the passenger  
10 seat, thereby elevating the cushion above the floorboard. The  
11 increased space under the front passenger seat provided a cavity  
12 for the hidden rider to extend his legs.

13 e. The concealed Hispanic male passenger was  
14 interviewed, and was identified as Sergio Lupercio-Aceves  
15 (hereinafter referred to as "Lupercio-Aceves"). He declared he  
16 was a citizen of Mexico, without documentation or legal  
17 authorization to enter or remain in the United States.

18 f. CBP Enforcement officers interviewed Madrigal and  
19 Rios. Both admitted they acted in concert for the purpose of  
20 illegally smuggling the hidden female passenger into the  
21 United States from Mexico.

22 **COUNT ONE**

23 **(DEFENDANT 1 - 2004 NISSAN SEDAN)**

24 5. The allegations contained in paragraphs 1 through 4  
25 above are hereby incorporated as re-alleged as a part hereof.

26 6. Defendant 1, the 2004 Nissan Altima sedan, was a  
27 conveyance that had been used or was being used in the commission  
28 of a violation of Title 8, United States Code, Section 1324(a),

1 bringing undocumented aliens into the United States without  
2 presentation.

3 7. As a result of the foregoing, Defendant 1, the 2004  
4 Nissan Altima sedan, is liable to condemnation and to forfeiture  
5 to the United States in accordance with Title 8, United States  
6 Code, Section 1324(b).

7 8. Defendant 1, the 2004 Nissan Altima sedan, is presently  
8 stored within the jurisdiction of this Court.

9 **COUNT TWO**

10 **(DEFENDANT 2 - 1998 CHRYSLER COUPE)**

11 9. The allegations contained in paragraphs 1 through 4  
12 above are hereby incorporated as re-alleged as a part hereof.

13 10. Defendant 2, the 1998 Chrysler Sebring coupe, was a  
14 conveyance that had been used or was being used in the commission  
15 of a violation of Title 8, United States Code, Section 1324(a),  
16 bringing undocumented aliens into the United States without  
17 presentation..

18 11. As a result of the foregoing, Defendant 2, the 1998  
19 Chrysler Sebring coupe, is liable to condemnation and to  
20 forfeiture to the United States in accordance with Title 8,  
21 United States Code, Section 1324(b).

22 12. Defendant 1, the 1998 Chrysler Sebring coupe, is  
23 presently stored within the jurisdiction of this Court.

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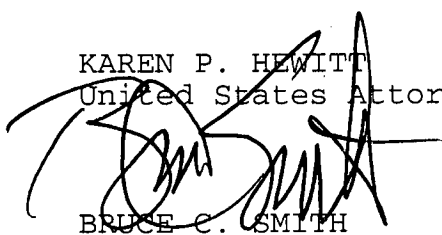
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1 WHEREFORE, the United States prays that due process issue to  
2 enforce the forfeiture of the defendants, and that due notice be  
3 given to all interested parties to appear and show cause why said  
4 forfeiture should not be declared.

5  
6 DATED: June 3, 2008

7 KAREN P. HEWITT  
8 United States Attorney

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10 BRUCE C. SMITH  
11 Assistant U.S. Attorney  
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VERIFICATION

I, Heriberto Huizar, state and declare as follows:

1. I am a Customs and Border Protection Enforcement Officer and am chiefly responsible for the investigation which is the basis for this litigation.

2. I have read the foregoing complaint and know its contents.

3. The information in the complaint was discovered during my investigation or was furnished by official Government sources. Based on this information, I believe the allegations in the complaint to be true.

I declare under penalty of perjury that the foregoing is true and correct, to the best of my knowledge and belief.

Executed on MAY 8, 2008

  
HERIBERTO HUIZAR  
CBP ENFORCEMENT OFFICER



JS 44 (Rev. 12/07)

**CIVIL COVER SHEET**

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

**I. (a) PLAINTIFFS**

UNITED STATES OF AMERICA

(b) County of Residence of First Listed Plaintiff \_\_\_\_\_  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

AUSA Bruce C. Smith, Tel. (619) 557-6963, 880 Front Street, Room 6293, San Diego, CA 92101-8893

**DEFENDANTS**

One 2004 Nissan Altima Sedan, et al.

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY) U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

08 CV 0982 JAH LSP

DEPUTY

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☒ 1 U.S. Government Plaintiff ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- (For Diversity Cases Only)
- |   |                                |                                |   |                                |                                |
|---|--------------------------------|--------------------------------|---|--------------------------------|--------------------------------|
| Citizen of This State                   | PTF <input type="checkbox"/> 1 | DEF <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | PTF <input type="checkbox"/> 4 | DEF <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2     | <input type="checkbox"/> 2     | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5     | <input type="checkbox"/> 5     |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3     | <input type="checkbox"/> 3     | Foreign Nation  | <input type="checkbox"/> 6     | <input type="checkbox"/> 6     |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input checked="" type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence <b>Habeas Corpus:</b> <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition		

**V. ORIGIN**

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing. (Do not cite jurisdictional statutes unless diversity):  
Title 8, United States Code, Section 1324(b)

Brief description of cause:

**VII. REQUESTED IN COMPLAINT:**

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

**DEMAND \$**

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

06/03/2008

SIGNATURE OF ATTORNEY OF RECORD

AUSA BRUCE C. SMITH

FOR OFFICE USE ONLY

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_